Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 914-13177-1332-145	Date: 07/14/14	Time: 2130 hours	
Location: [redacted] Foster Road	City or Station: Bellflower		
Bureau/Station/Facility: South Patrol Division / Lakewood Station	Admin. Investigation: (●) YES ( ) NO		
Type of Force: Team Takedown / Personal Weapons / O.C. Spray / Resistive Handcuffing / Hobble			
Incident Category: ( ) 1 ( ) 2 (●) 3	Deputy Injury: ( ) YES (●) NO	Suspect Injury (●) YES ( ) NO	
☒ Call	☐ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: (●) YES ( ) NO	Person Notified: LT. Dave Flores	Emp: [redacted]	IAB Roll Out (●) YES ( ) NO

Involved Employee

E 1

Employee #: [redacted]	Last Name: Bitolas	First Name: Michael	Middle I.: A.	Rank: DSG	
Sex: (●) M ( ) F	Race: W	Height: 5'09"	Weight: 190	Age: [redacted]	Shift: ( ) EM ( ) Day (●) PM; (●) Regular Shift ( ) OT Shift ( ) Off Duty
Unit of Assignment: Lakewood Station	Work Assignment (Unit #, Module, etc.): 133F1				
Individual Force Used: Team Takedown / Personal Weapons / O.C. Spray	( ) Directed ( ) Rescue ( ) Medical Assist	Individual Category ( ) 1 ( ) 2 (●) 3			
☐ Injured ☐ Treated ☐ Admitted	Facility: N/A	Coroner Case #			

E 2

Employee #: [redacted]	Last Name: Barker	First Name: Joseph	Middle I.: A.	Rank: DSG	
Sex: (●) M ( ) F	Race: W	Height: 5'09"	Weight: 220	Age: [redacted]	Shift: ( ) EM ( ) Day (●) PM; (●) Regular Shift ( ) OT Shift ( ) Off Duty
Unit of Assignment: Lakewood Station	Work Assignment (Unit #, Module, etc.): 133T2				
Individual Force Used: Team Takedown / Personal Weapons / Hobble	( ) Directed ( ) Rescue ( ) Medical Assist	Individual Category ( ) 1 ( ) 2 (●) 3			
☐ Injured ☐ Treated ☐ Admitted	Facility: N/A	Coroner Case #			

E__

Employee #:	Last Name:	First Name:	Middle I.:	Rank:	
Sex: ( ) M ( ) F	Race:	Height:	Weight:	Age:	Shift: ( ) EM ( ) Day ( ) PM; ( ) Regular Shift ( ) OT Shift ( ) Off Duty
Unit of Assignment:	Work Assignment (Unit #, Module, etc.):				
Individual Force Used:	( ) Directed ( ) Rescue ( ) Medical Assist	Individual Category ( ) 1 ( ) 2 ( ) 3			
☐ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #			

On Duty Supervisor

☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Jobling	James	R.	Sgt	YES ( ) NO (●)	YES ( ) NO (●)

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Hamil	Jeff	F	Sgt	YES ( ) NO (●)	YES ( ) NO (●)

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Lindblom	Eric	R.	Lt

Watch Commander / Supervising Lieutenant's **Signature:** ________ Date: 07/14/14 Copy Provided to Employee by: Sergeant James Jobling Emp #: [redacted]

Unit Commander **(Print Name)**: Captain Keith E. Swensson Unit Commander's **Signature**: ________ Emp #: [redacted] Date: ________

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
SUSPECT INFORMATION

9 1 4 - 1 3 1 7 7 - 1 3 3 2 - 1 4 5

Suspect Information

S 1

Last Name: Gomez
First Name: Luis
Middle Name: Gabriel
Armed? Select: Not Armed

AKA Last Name: None
First Name:
Middle Name:

Sex: (●) Male ( ) Female
Race: H
Age: 24
Height: 5-5
Weight: 160
D.O.B: 12/05/89
Phone #1: ( ) H ( ) W (●) C
Phone #2: ( ) H ( ) W ( ) C None

Street Address: [redacted]
City: [redacted]
State & Zip Code: [redacted]

Booking #: 4032038
Primary Charge Code: 243b P.C.
Secondary Charge Code: 148(a)(1) P.C.
[redacted] Criminal History

Treated on Scene? (●) YES ( ) NO
Name: LA County Fire
Unit: 98
Phone #:

Hospital Admission? ☐
Rec'd Treatment At: Lakewood Regional MC
Coroner Case #:
Mental History ☒ User's guide provides direction on this entry

By: Doctor Gallardo
Address: 3700 East South Street,Lakewood,90712
Phone #: (562) 531-2550

Under Influence: ( ) YES (●) NO
Substance: None
5150 a factor in force? (●) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: 07/15/14
Time: 0340
☒ Audiotape:
☐ Videotape:
☒ Photos of Injuries:
☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S_

Last Name:
First Name:
Middle Name:
Armed? Select:

AKA Last Name:
First Name:
Middle Name:

Sex: ( ) Male ( ) Female
Race:
Age:
Height:
D.O.B.
Weight:
Phone #1: ( ) H ( ) W ( ) C
Phone #2: ( ) H ( ) W ( ) C

Street Address:
City:
State & Zip Code:

Booking #:
Primary Charge Code:
Secondary Charge Code:
☐ Criminal History

Treated on Scene? ( ) YES ( ) NO
By:
Unit:
Phone #:

Hospital Admission? ☐
Rec'd Treatment At:
Coroner Case #:
Mental History ☐ User's guide provides direction on this entry

By:
Address:
Phone #:

Under Influence: ( ) YES ( ) NO
Substance:
5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date:
Time:
☐ Audiotape:
☐ Videotape:
☐ Photos of Injuries:
☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S_

Last Name:
First Name:
Middle Name:
Armed? Select:

AKA Last Name:
First Name:
Middle Name:

Sex: ( ) Male ( ) Female
Race:
Age:
Height:
D.O.B.
Weight:
Phone #1: ( ) H ( ) W ( ) C
Phone #2: ( ) H ( ) W ( ) C

Street Address:
City:
State & Zip Code:

Booking #:
Primary Charge Code:
Secondary Charge Code:
☐ Criminal History

Treated on Scene? ( ) YES ( ) NO
By:
Unit:
Phone #:

Hospital Admission? ☐
Rec'd Treatment At:
Coroner Case #:
Mental History ☐ User's guide provides direction on this entry

By:
Address:
Phone #:

Under Influence: ( ) YES ( ) NO
Substance:
5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date:
Time:
☐ Audiotape:
☐ Videotape:
☐ Photos of Injuries:
☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

914 - 13177 - 1332 - 145

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		15	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		57	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		46	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Suspect Gomez	S-1	Deputy Bitolas	E-1	UC	NN	NN
Suspect Gomez	S-1	Deputy Barker	E-2	UC	NN	NN
Deputy Bitolas	E-1	Suspect Gomez	S-1	CT	NN	AR
Suspect Gomez	S-1	Deputy Bitolas	E-1	PO	NN	CH
Deputy Bitolas	E-1	Suspect Gomez	S-1	TT	NN	NN
Deputy Barker	E-2	Suspect Gomez	S-1	TT	NN	NN
Suspect Gomez	S-1	Deputy Bitolas	E-1	RS	NN	NN
Suspect Gomez	S-1	Deputy Barker	E-2	RS	NN	NN
Deputy Bitolas	E-1	Suspect Gomez	S-1	PH	NN	CH
Deputy Barker	E-2	Suspect Gomez	S-1	PH	NN	NO
Deputy Bitolas	E-1	Suspect Gomez	S-1	OC	NN	FA
Deputy Barker	E-2	Suspect Gomez	S-1	HB	NN	NN

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

CATEGORY 3 FORCE INCIDENT SUMMARY

UNIT: Lakewood Station
DATE: July 14, 2013
TIME: 2234 Hours
LOCATION: [redacted] Foster Road, Bellflower, California 90706
URN#: 914-13177-1332-145
IAB#: FO 2360844

SYNOPSIS:

On-call Internal Affairs Bureau Sergeants Jeff Hamil and Sonja Bracken responded to Lakewood Sheriff's Station regarding a use of force, which resulted in Suspect Luis Gomez sustaining a fractured left orbital.

On July 14, 2014, Lakewood Station Deputies Michael Bitolas #[redacted] (133F1), and Joseph Barker #[redacted] (133T2) were assigned a [redacted] disturbance call (T-511). The suspect called Lakewood station advising his [redacted] had put pills in his food and he needed deputies before he hurt his [redacted]

> **IAB Note:** An audio copy of the suspect's phone call is included in the IAB case as **Exhibit C**. A print out of the call is included in the IAB case, **Exhibit A**.

Deputy Bitolas arrived at the location first and parked on the south side of Foster Road, just west of the location. He saw Suspect Gomez exited the front fenced yard with his shirt untucked and a bulge in his waistband. He walked toward the patrol car with his hands in his pockets. Deputy Bitolas exited his patrol car and walked toward the suspect. He ordered the suspect to stop and raise his hands to no avail. Deputy Bitolas stated the street was poorly lit and there was no one around. Deputy Bitolas pointed his gun at the suspect and again ordered him to show his hands and turn around. The suspect then took his hands from his pockets and turned away from Deputy Bitolas as directed, standing about 15 feet away. Deputy Bitolas closed the distance and holstered his firearm. He began conducting a pat down search for weapons when the suspect pulled away and delivered two elbow strikes to Deputy Bitolas' upper body. Deputy Barker arrived to assist Deputy Bitola and they conducted a takedown of the suspect who landed on his stomach, on the grass.

Once on the ground, the suspect continued to resist being handcuffed by holding his hands beneath his body. Deputy Bitolas punched the suspect two to three times on the upper body, and Deputy Barker punched the suspect approximately three times on the right side of his face. Deputy Bitolas applied a three to five second burst of Oleoresin Capsicum spray to the suspect's facial area, which had a positive effect. The suspect was subsequently handcuffed and hobbled. The suspect was taken to Lakewood Regional Hospital where he was found to have sustained a fractured nose and a fractured left orbital.

A Sheriff's Department incident report under file 914-13177-1332-145 was written by Deputy Bitolas documenting the incident. Deputy Barker wrote a supplemental report documenting his action and observations. Copies of the reports are included with this investigation as **Exhibit A.**

Suspect Gomez was arrested for misdemeanor Battery on a police officer (234b PC), and resisting a police officer (148a PC). He was transported to Lakewood Regional Medical Center where he was treated for a fractured nose and a fractured left orbital bone. A copy of his medical records is included with this investigation as **Exhibit B.**

INVOLVED PERSONNEL:

Michael Bitolas - Deputy, #[redacted]
Lakewood Station
Unit # 133F1
South Patrol Division

Employees Work History:

Date of Employment:	June 6, 2007
Date Assigned to LKD:	November 10, 2013
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incidents:	

Joseph Barker - Deputy, #[redacted]
Lakewood Station
Unit # 133T2
South Patrol Division

Employees Work History:

Date of Employment: December 5, 2007
Date Assigned to LKD: December 1, 2013
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents:

INVOLVED SUSPECT:

Luis Gomez, MH/25, Booking #3186715
DOB: 12/05/89
[redacted]
Booking Charges: 243(b) P.C., 148(a) P.C.

CRIMINAL HISTORY:

Suspect Gomez has [redacted] A copy of Suspect Gomez' complete criminal history is included with this investigation as **Exhibit D**.

DEPARTMENT WITNESSES:

There were no Department witnesses to the use of force.

CIVILIAN WITNESSES:

[redacted] FH/57, was interviewed on July 14, 2014, at 2159 hours by Sergeant James Jobling #[redacted] of Lakewood Sheriff's Station. The interview was conducted in Witness [redacted] residence. The interview was video recorded **(Exhibit C)**, and later transcribed. Deputy Marcos Medillin #[redacted] translated the interview and wrote a Supplemental Report documenting the Witness statements **(Exhibit A)**.

Witness [redacted] stated her [redacted] Suspect Gomez, is a schizophrenic and had refused to take his medication for a year and four months. She attempted to administer the suspect's medication by mixing it into his food (cereal). Suspect Gomez discovered the medication, became angry, and called Lakewood Station to report what she had done.

Witness [redacted] remained inside the residence while Suspect Gomez waited outside for the deputies to arrive. She heard a commotion outside, looked out the front door, and saw two deputies struggling with the suspect.

She ran outside to tell the deputies Suspect Gomez was sick and not to hit him. She stated the three of them were still standing at this point. She saw the deputies take the suspect to the ground and get one hand behind his back. One deputy (Barker) placed a knee on the suspects back and punched the suspect three times in the face. The other deputy (Bitolas) "Pepper" sprayed the suspect. Witness [redacted] stated she saw one hand cuffed and the other hand behind the suspect's back. She was removed from the incident by her [redacted] Witness [redacted] and did not witness anything further.

Witness [redacted] stated the suspect was "Aggressive," and was struggling with the deputies. She stated the struggling consisted of the suspect attempting to cover his face during the incident.

Witness [redacted] complete statement is included in her transcribed interview included with this case book.

[redacted] MH/58, was interviewed on July 14, 2014, at 2208 hours by Sergeant James Jobling # [redacted] of Lakewood Sheriff's Station. The interview was conducted in Witness [redacted] residence. The interview was video recorded **(Exhibit C)**, and later transcribed. Deputy Marcos Medillin # [redacted] translated the interview and wrote a Supplemental Report documenting the Witness statements, **(Exhibit A)**.

Witness [redacted] (Witness [redacted] stated his [redacted] Suspect Gomez was upset because he found his medication hidden in his cereal. Witness [redacted] was upstairs and heard the argument between Suspect Gomez and Witness [redacted]

Witness [redacted] stated Suspect Gomez called the police and waited in the front yard. Witness [redacted] watched Suspect Gomez from the front door and was approximately fifteen to twenty feet away from Suspect Gomez when the deputies arrived. The deputies approached the suspect and asked if he had called the sheriff's department. The suspect stated yes. The deputies asked if the suspect had anything on his person that could harm them. The suspect told the deputies "No." The deputies asked permission to search him but the suspect refused. The deputies gave the suspect directions to turn around but the suspect refused, stating "No, I already told you I don't have anything."

Witness [redacted] said one deputy "hugged" the suspect from one side and attempted to take him to the ground. The deputy was unable to because the suspect was struggling, so the other deputy "hugged" the suspect from the other side. The suspect continued to struggle but the deputies were able take the suspect to the ground. The suspect landed face down, on his stomach.

Witness [redacted] stated the deputies were trying to get the suspect's hands behind his back and he witnessed one deputy hit the suspect three times in the face. He heard the deputies telling the suspect to quit fighting, but the suspect continued to struggle.

Witness [redacted] stated the deputies were able to get the suspect's hands behind his back and handcuff him. The suspect continued to struggle and was being un-cooperative until deputies applied the Ripp-Hobble around his legs. The deputies sat the suspect up to a sitting position on the curb. Witness [redacted] stated he had removed his [redacted] (Witness [redacted] from the incident and explained to her the deputies were just trying to control the suspect because he was un-cooperative.

Witness [redacted] complete statement is included in his transcribed interview included with this case book.

[redacted] MH/16 was interviewed on July 14, 2014, at 2208 hours by Sergeant James Jobling # [redacted] of Lakewood Sheriff's Station. The interview was conducted in Witness [redacted] residence. The interview was video recorded **(Exhibit C)**, and later transcribed. Deputy Kevin Ay # [redacted] wrote a Supplemental Report documenting the Witness statements, **(Exhibit A)**.

Witness [redacted] stated his [redacted] Suspect Gomez, became upset because he found his schizophrenia medication hidden in his cereal. Suspect Gomez had been refusing to take it, and per the doctor's orders they had been hiding it in his food. The suspect initially blamed him for hiding the medication, but his [redacted] (Witness [redacted] told the suspect she had done it. Witness [redacted] said the suspect became aggressive and called the police, telling the police he was going to hurt the [redacted]

Witness [redacted] was standing fifteen to twenty feet away, near a chain link fence, when the suspect approached the deputies. He heard the deputies tell the suspect to remove his hands from his pockets. The suspect refused so the deputies grabbed him around the chest. The suspect resisted so it took the deputies awhile to get the suspect to the ground. The suspect kept trying to stand back up, and the deputies would push the suspect to the ground. Witness [redacted] stated it took three deputies to finally control the suspect. He heard the deputies giving commands for the suspect to get on the ground.

Witness [redacted] stated one deputy sprayed the suspect with pepper spray and they were able to handcuff him. The suspect was sat on the curb until the sergeant arrived. He thought he saw a deputy hit the suspect, but the deputies had their backs to him and it may have just been the deputies pushing the suspect to the ground.

Witness [redacted] complete statement is included in his transcribed interview included with this case book.

INVOLVED EMPLOYEES:

Michael Bitolas, Deputy, was interviewed on June 22, 2015, at 1103 hours by IAB Sergeants Jeff Hamil and Luan Dang. Deputy Bitolas was represented by Maureen Okwuosa, Attorney from the Law Offices of Green & Shinee. The interview was conducted at Internal Affairs Bureau. The interview was digitally recorded and transcribed. Deputy Bitolas wrote a report documenting his actions; his report is included with this investigation in **Exhibit A.** The following is a summary of Deputy Bitolas' report and interview.

Deputy Bitolas was working a single deputy unit (133F1) when he received a call of a [redacted] disturbance where the caller had found pills in his food and needed deputies so he would not hurt his [redacted] (Tag #511). He was assigned the handle on the call and Deputy Barker, unit (133T2) had the assist. While en-route to the call, he coordinated with Deputy Barker on LTAC to meet at the location and bring a Taser if he had one.

He arrived before Deputy Barker and parked a few houses away from the location. He was going to wait for Deputy Barker before making contact. As he waited a male exited the location and began to approach him. He did not know if he was the person that had called, or if he was the disturbing party. As the suspect approached, he exited his patrol car. Deputy Bitolas saw the suspect was wearing baggy clothing and his hands were in his pockets. Twice he ordered the suspect to stop and remove his hands from his pockets. The suspect did not comply.

Fearing the suspect had a weapon or had other intentions, he detained the suspect at gunpoint. The suspect complied and took his hands out of his pockets. The suspect showed his palms and turned away from him. He felt the suspect was cooperative based on him complying with his commands. He holstered his weapon and closed the distance with the suspect even though Deputy Barker had not arrived. He estimated he was approximately fifteen to twenty feet away from the suspect.

He contacted the suspect and brought the suspect's hands behind his back. The suspect complied. He told the suspect he was not under arrest. The suspect broke away and elbowed him twice in the chest. He grabbed both of the suspect's arms from behind with both of his hands and could not get to his radio. He held onto the suspect's arms until Deputy Barker arrived.

He and Deputy Barker tried to control the suspect's arms while giving commands to stop fighting. The suspect struggled and broke free from their control, so they took the suspect to the ground. He pulled the suspect while Deputy Barker pushed. They all fell to the ground where the suspect and Deputy Barker landed on top of him. He stated the suspect's head never hit the concrete or grass area because the suspect landed on top of him.

They rolled around on the ground and he had a side-mounted position on the suspect and had a grip on the top of the suspect's head; he tried to control the arm that the suspect had under his body.

He continued to give commands for the suspect to stop fighting but the suspect refused and tried to push up off the ground. He struck the suspect twice with a closed fist between the right shoulder and right side of his face. His strikes had no effect because he delivered them while he was lying flat on the ground. He knew Deputy Barker was on the suspect's legs but could not see him or his actions.

He retrieved his "OC" spray and reached over the suspect and administered a two to three second burst. He had to reach around the suspect and ended up spraying the suspect, Deputy Barker and himself. The spray was immediately effective and the suspect stopped fighting. They were able to handcuff the suspect and immediately requested the Fire Department to treat the suspect. He observed the suspect bleeding from the face. He remembered seeing the suspect's [redacted] standing close by during the incident and did not know if they would become involved in the situation. Deputy Bitolas stated only he and Barker were involved in the force, and all other units arrived after the suspect was in-custody.

Deputy Bitolas' complete statement is included in his transcribed interview included with this case book.

Joseph Barker, Deputy, was interviewed on June 22, 2015, at 1017 hours by IAB Sergeants Jeff Hamil and Luan Dang. Deputy Barker was represented by Maureen Okwuosa, Attorney from the Law Offices of Green & Shinee. The interview was conducted at Internal Affairs Bureau. The interview was digitally recorded and transcribed. Deputy Barker wrote a report documenting his actions; his report is included with this investigation in **Exhibit A.** The following is a summary of Deputy Barker's report and interview.

Deputy Barker was working a single deputy unit (133T2) when he received a call of a [redacted] disturbance where the caller had found pills in his food and needed deputies so he would not hurt his [redacted] (Tag #511). He had the assist on the call and Deputy Bitolas, unit (133F1) had the handle. While en-route to the call, he coordinated with Deputy Bitolas on LTAC to meet at the location and bring a Taser if he had one. He did not have a Taser assigned to him.

He arrived at the location and observed Deputy Bitolas standing at the corner of Foster Road and Charlemagne Avenue. He saw the suspect walking towards Deputy Bitolas and Bitolas ordering the suspect to stop and take his hands out of his pockets. He stated Deputy Bitolas had his weapon out. He saw the suspect begin to follow the commands by turning around. The suspect's hands were visible.

He walked up to within a few feet when he saw Deputy Bitolas take the suspects hands and put them behind his back. The suspect tensed up, pulled away from Deputy Bitolas' grasp, and elbowed Deputy Bitolas in the chest. The suspect then clenched his fists and held them in front of his chest. He grabbed the suspect's left side and Bitolas had the right. They were attempting to get control of the suspect's hands, but due to the suspect fighting, they were unable to.

They took the suspect to the ground by using their body weight. The suspect landed on his stomach with his right hand underneath him and his left arm extended above his head. Deputy Barker had his legs over the suspect's legs, and saw the suspect did not hit his head on the ground during the takedown. He put his forearm across the suspect's back and tried to pull the suspect's arm from beneath his stomach free. Deputy Barker stated at this time the rest of the [redacted] had come out of the residence. He did not see what Deputy Bitolas was doing but knew he held the suspect's upper body. Both he and Bitolas were giving commands for the suspect to stop fighting.

Deputy Barker stated he could not pull the suspect's arm free from underneath him. He felt the suspect's hand was still clenched into a fist and saw the suspect had turned his face to the right. He struck the suspect three times to the right side of his face with a closed right fist. He made a "hooking" motion with his strikes to make sure he did not cause the suspect's head to strike the ground. He was aiming for the suspect's right cheek and face. After the strikes, he felt the suspect relax and he was able to broadcast over the radio that they were involved in a fight. He then applied the Ripp Hobble to the suspect's feet because the suspect had been kicking. The suspect did not resist the Ripp Hobble.

Deputy Barker said he did not know Deputy Bitolas had struck the suspect or pepper sprayed the suspect until after the incident. They sat the suspect up, and he saw the suspect was bleeding from the face. Deputy Bitolas requested the Fire Department for the suspect's injuries. He and Bitolas were the only two deputies involved in the fight, and the assisting units arrived after the incident was over.

Deputy Barker's complete statement is included in his transcribed interview included with this case book

SUSPECT STATEMENT:

Luis Gomez, Suspect, was interviewed on July 15, 2014, at 0340 hours by Sergeants Jeff Hamil and Sonia Bracken of the Internal Affairs Bureau. The interview was conducted inside the booking cell at Lakewood Sheriff's Station. The interview was digitally recorded and transcribed.

Suspect Gomez stated he had called the police because he was having a dispute with his [redacted] He approached two deputies parked down the street with a cup in one hand and his other hand in his pocket. As he approached the deputies he set the cup down. The deputies thought he was "violent." They ordered him to raise his hands because they were inside his pockets.

Suspect Gomez removed his hands and a deputy grabbed his left arm and tried to force his hand behind his back. Suspect Gomez said he got "mad" and pushed the deputy away. He was taken to the ground and he "struggled" with his feet. A deputy punched him three times on the nose while he was on the ground. He yelled for his dad to help and he was "maced". The deputies told him to be quiet and he complied. He heard the deputies giving him instructions to put his hands behind his back and to stop fighting, but did not comply because he was too angry. He denied taking any medication or having any mental issues.

Suspect Gomez stated the deputy only punched him on the nose. He was robbed six days prior while he was at Thompson Park in the City of Bellflower. He was attacked by seven to nine males and was repeatedly punched about his face. He went to a hospital, but could not remember which hospital he went to. He was treated for a swollen lip and was provided prescription pain pills. He was asked to get an x-ray but he did not. He went to a dentist but did not make an appointment, so they could not do an x-ray. Suspect Gomez stated he thought his fractured orbital happened during the robbery.

Suspect Gomez' complete Internal Affairs statement is included in his transcribed interview included with this case book.

SUSPECT INJURIES:

Suspect Gomez sustained a fractured nose. He was transported and treated for his injuries at Lakewood Regional Medical Center. It was discovered during the C.T. scan Suspect Gomez also had a fracture to his left orbital. The treating physician (Dr. Gallardo) could not determine if it was an old injury. Digital photos of Suspect Gomez' injuries are included with this investigation as **Exhibit C.** A copy of Suspect Gomez' medical report is included with this investigation as **Exhibit B.**

DEPUTY PERSONNEL INJURIES:

Deputy Bitolas injured his right shoulder in the incident. He has returned to full duty.

PHYSICAL EVIDENCE:

Sergeant Jobling took several digital photos of the outside of the apartment and grass area. IAB Investigators took photographs of Suspect Gomez while he was at Lakewood Sheriff's Station. Copies of the photographs are included with this investigation as **Exhibit C.**

WEAPONS USED BY DEPUTY PERSONNEL:

Personal Weapons, Fists

WEAPONS USED BY SUBJECT:

Personal Weapons, Elbows

PROPERTY DAMAGE:

None

RADIO TRANSMISSION:

2125 hours – (Dispatch 13) SCC voice dispatched priority call (Tag 511).

2125:45 hours – (Dispatch 13) 133F1 requests units to L-TAC.

2126 hours – (L-TAC) 133F1 advises 133T2 to meet (911B) at the location and to bring a Taser.

2130:14 hours – (Dispatch 13) 10-33 (emergent traffic) deputies involved in a fight, numerous units are responding.

2130:54 hours – (Dispatch 13) 130S responding from the station.

2132:32 hours – (Dispatch 13) suspect in-custody (Code-4).

2132:38 hours – (Dispatch 13) Paramedics requested for suspect (902R), both deputies accounted for.

2133:29 hours- (Dispatch 13) Patch dropped.

A complete copy of all the radio transmission is included with this investigation as **Exhibit C.**

CRIMINAL CHARGES FILED:

Court: Bellflower

Charges: On July 16, 2014, the District Attorney filed one misdemeanor count of Resist, Obstruct, Delay of a Police Officer (148 (a) (1) P.C. against Suspect Gomez. On July 17, 2014, Suspect Gomez pled no contest and was sentenced to three years' probation and eight days in County Jail. A copy of the PIMS print out is included with this investigation in **Miscellaneous Documents.**